

REMARKS

Amendments to the Claims

Applicants currently amend claims 12, 16, and 17. Support for the amendments to the claims and new claims may be found throughout the specification as originally filed, including at least at page 16, lines 4-5 of the specification. Applicants submit that the amendments to the claims introduce no new matter.

Interview Summary

Applicants appreciate Examiner Hicks' having conducted a telephonic interview with Applicants' Attorneys Jeffrey Snow, Karen Sinclair, and Barbara Cookson on Tuesday, December 15, 2009. The claimed invention, the Moore reference and the claim amendments presented herein were discussed during the interview.

Rejection Under 35 U.S.C. § 103: Moore in view of Graboski and Flanagan

In the Office action, claims 12, 16, and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,680,968 to Moore ("Moore") in view of U.S. Patent No. 6,117,506 to Graboski *et al.* ("Graboski") and further in view of U.S. Patent No. 6,082,568 to Flanagan ("Flanagan"). Applicants respectfully traverse the rejection and submit that amended claims 12, 16, and 17 are patentable over the cited references.

Applicants' amended claim 12 recites a process for bottling a fluid in which a fluid-filled extrusion blow moulded bottle is fitted and then induction heat sealed with a neck and cap assembly. The neck and cap assembly includes a foil that is bonded to and completely seals the base portion of the neck and cap assembly. After the neck and cap assembly is fitted to the bottle, the fitted bottle and neck and cap assembly are induction heat sealed to completely seal the bottle body.

Applicants' amended claim 16 recites a thin walled plastic bottle assembly. The bottle assembly includes a bottle-body, a neck assembly, a tearable sealing foil, and a cap. The tearable sealing foil is bonded to and completely seals the bottom portion of the neck assembly and later, after the bottle-body has been filled with a fluid, is sealed to the open mouth of the bottle-body.

Applicants' amended claim 17 recites a process for preparing a thin walled plastic body assembly. The process includes the steps of extrusion-blow-moulding a bottle-body, filling the bottle-body with a fluid, fitting a neck-and-cap-assembly including a foil that is completely sealed and bonded to the base of the neck-and-cap-assembly to the bottle-body, and then induction heat sealing the foil to the bottle-body.

Moore teaches a closure having a foil seal that is loosely held within a fitment for application to a container neck. Following application to the container neck, Moore's foil seal is heat welded to the container. However, in contrast to Applicants' claimed process, Moore does not teach or suggest that its foil seal is bonded to or sealed to either its fitment or its cap prior to being fitted to its container. Instead, Moore teaches a foil seal 40 that is loosely held within a fitment 24 by a friction fit into a groove 28 of the fitment 24 prior to being fitted to a container. Col. 4, lines 4-9. Accordingly, Moore's foil seal 40 is never bonded to cap 18 or fitment 24.

Graboski does not cure the deficiencies of the teachings of Moore. Graboski teaches an extrusion blow molded bottle containing three integrally molded layers of synthetic resin. Graboski does not teach or suggest a neck and cap assembly that is pre-sealed with a foil. Additionally, Graboski does not teach or suggest a foil that is sealed to both a cap assembly and a bottle following an induction heat sealing step.

Flanagan does not cure the deficiencies of the teachings of Moore or Graboski. Flanagan teaches a container cap having a removable liner with a tear member, which tear member can be pulled to remove the liner from the cap. However, in contrast to Applicants' claimed process, Flanagan does not teach or suggest induction heat sealing a liner to both a container and a cap to completely seal both the container and the cap. Instead, Flanagan teaches that "[t]he liner 8 may be adhered to the rim 17 of the container, or to the underside of the base cap 3." Col. 5, lines 43-44; *see also* col. 4, lines 34-40. According to one embodiment, Flanagan's liner is secured to the cap. Col. 8, lines 14-30. According to another embodiment, Flanagan's liner is secured to the container with an adhesive. Col. 8, lines 31-41.

Accordingly, for at least the reasons given above, Applicants submit that independent claims 12, 16, and 17 are patentable over Moore, Graboski and Flanagan, either alone or in combination.

Rejection Under 35 U.S.C. § 103: Moore in view of Graboski, Flanagan and Kitahora

In the Office action, claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moore in view of Graboski and Flanagan, and further in view of U.S. Patent No. 6,076,334 to Kitahora (“Kitahora”). Applicants respectfully traverse the rejection and submit that claim 13 is patentable over the cited references.

Moore, Graboski and Flanagan were discussed above with respect to independent claim 12. Applicants submit that Kitahora does not cure the deficiencies of the teachings of Moore, Graboski or Flanagan. Kitahora teaches a method for sterile packaging of beverages in plastic containers. However, in contrast to Applicants’ claimed process, Kitahora does not teach or suggest a neck and cap assembly that is pre-sealed with a foil. Additionally, Kitahora does not teach or suggest a foil that is sealed to both a cap assembly and a bottle following an induction heat sealing step.

Accordingly, for at least the reasons given above, Applicants submit that claim 13 is patentable over Moore, Graboski, Flanagan and Kitahora, either alone or in combination.

Rejection Under 35 U.S.C. § 103: Moore in view of Graboski, Flanagan and Kauffman

In the Office action, claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moore in view of Graboski and Flanagan, and further in view of U.S. Patent No. 4,141,680 to Kauffman *et al.* (“Kauffman”). Applicants respectfully submit that claims 14 and 15 are patentable over the cited references.

Moore, Graboski and Flanagan were discussed above with respect to independent claim 12. Applicants submit that Kauffman does not cure the deficiencies of the teachings of Moore, Graboski or Flanagan. Kauffman teaches a blow molding apparatus. However, in contrast to Applicants’ claimed process, Kauffman does not teach or suggest a neck and cap assembly that is pre-sealed with a foil. Additionally, Kauffman does not teach or suggest a foil that is sealed to both a cap assembly and a bottle following an induction heat sealing step.

Accordingly, for at least the reasons given above, Applicants submit that claims 14 and 15 are patentable over Moore, Graboski, Flanagan and Kauffman, either alone or in combination.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request allowance of claims 12-17. The Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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